

1 JUDGE FRANKLIN D. BURGESS
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

9 UNITED STATES OF AMERICA,) NO. CR05-5469FDB
10 Plaintiff,)
11 vs.) ORDER FOR PSYCHIATRIC
12) EXAMINATION AND COMPETENCY
KAMSATH BUTH,) HEARING
13)
14 Defendant.)
15)

16 THIS MATTER having come before the Court upon the motion of the defense for an
17 order directing a psychiatric examination pursuant to 18 U.S.C. § 4241(a), and the Court
18 having heard and considered said motion, and there being no objection from the Government,
19 the Court finds that there is reasonable cause to believe that the Defendant may be presently
20 suffering from a mental disease or defect, and that he may be mentally incompetent to the
21 extent that he is unable to understand the nature and consequences of his actions or the
22 proceedings against or to assist properly in his defense. Accordingly,

23 IT IS HEREBY ORDERED THAT a mental examination be conducted on defendant
24 Kamsath Buth; and

1 IT IS FURTHER ORDERED that the defense and the Government shall consult and
2 select a mutually-acceptable, qualified psychologist or psychologist to conduct the
3 examination and submit the expert's name and qualifications to the Court for approval; and

4 IT IS FURTHER ORDERED that, if the proposed expert is approved by the Court, the
5 Defendant shall cooperate with a mental health examination, to be conducted at the Federal
6 Detention Center in Seatac; and

7 IT IS FURTHER ORDERED, pursuant to 18 U.S.C. § 4247©), that a report of the
8 examination shall be prepared by the examiner and filed with the Court, at the Court's
9 expense, with copies provided to counsel for defendant and the attorney for the Government;
10 and

11 IT IS FURTHER ORDERED, pursuant to 18 U.S.C. § 3161(h)(1)(A), that the time
12 required to determine the defendant's mental condition or competency shall be excluded under
13 the Speedy Trial Act.

14 DONE this 5th day of January, 2006.

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19 FRANKLIN D. BURGESS
20 UNITED STATES DISTRICT JUDGE

21 Prepared by:

22 /s/ Colin A. Fieman

23 COLIN A. FIEMAN

24 Assistant Federal Public Defender